

1 **R277. Education, Administration.**

2 **R277-473. Testing Procedures.**

3 **R277-473-1. Definitions.**

4 A. "Advanced English Language Learner student" means the
5 student understands and speaks conversational and academic
6 English language. The student demonstrates reading
7 comprehension and writing skills but may need continued
8 support when engaged in complex academic tasks that require
9 increasingly academic language. The student is identified at
10 the A level on the UALPA but not proficiency on the English
11 Language Arts (ELA) CRT.

12 B. "Basic skills course" means those courses specified
13 in Utah law for which CRT testing is required.

14 C. "Board" means the Utah State Board of Education.

15 D. "Criterion Reference Test (CRT)" means a test to
16 measure performance against a specific standard. The meaning
17 of the scores is not tied to the performance of other
18 students.

19 E. "CS" means the USOE Computer Services section.

20 F. "Days" for purposes of this rule means calendar days
21 unless specifically designated otherwise in this rule.

22 G. "Direct Writing Assessment (DWA)" means a USOE-
23 designated online test to measure writing performance for
24 students in grades five and eight.

25 H. "Emergent English Language Learner student" means the
26 student understands and responds to basic social conventions,
27 simple questions, simple directions, and appropriate level
28 text. In general, the student speaks, reads, and writes using
29 single phrases or sentences with support. The student may
30 begin to use minimal academic vocabulary with support and
31 participates in classroom routines. The student is identified
32 at the E level on the UALPA.

33 I. "Intermediate English Language Learner student" means
34 the student understands and speaks conversational and academic
35 English with decreasing hesitancy and difficulty. The student
36 is developing reading comprehension and writing skills, with
37 support. The student's English literacy skills allow for

demonstration of academic knowledge. The student reads and writes independently for personal and academic purposes, with some persistent errors. The student is identified at the I level on the UALPA.

J. "Last day of school" means the last day classes are held in each school district/charter school.

K. "Norm-reference Test (NRT)" means a test where the scores are based on comparisons with a nationally representative group of students in the same grade. The meaning of the scores is tied specifically to student performance relative to the performance of the students in the norm group under very specific testing conditions.

[H]K. "Pre-Emergent English Language Learner student" means the student has limited or no understanding of oral or written English, therefore will be participating by listening. The student may demonstrate comprehension by using a few isolated words or expressions of speech. The student typically draws, copies, or responds verbally in his native language to simple commands, statements and questions. The student may begin to understand language in the realm of basic communication. Reading and writing is significantly below grade level. The student is identified at the P level on the UALPA.

[M]L. "Protected test materials" means consumable and nonconsumable test booklets, test questions (items), directions for administering the assessments and supplementary assessment materials (e.g., videotapes) designated as protected test materials by the USOE. Protected test materials shall be used for testing only and shall be secured where they can be accessed by authorized personnel only.

[N]M. "Raw test results" means number correct out of number possible, without scores being equated and scaled.

[O]N. "Standardized tests" means tests required, consistent with Sections 53A-1-601 through 53A-1-611, to be administered to all students in identified subjects at the specified grade levels.

[P]O. "Utah Academic Proficiency Assessment (UALPA)"

75 means a USOE-designated test to determine the academic
76 proficiency and progress of English Language Learner
77 students.

78 [Q]P. "Utah Alternative Assessment (UAA)" means a USOE-
79 designated test to measure students with disabilities with
80 severe cognitive disabilities.

81 [R]Q. "Utah Basic Skills Competency Test (UBSCT)" means
82 a USOE-designated test to be administered to Utah students
83 beginning in the tenth grade (suspended through at least the
84 2011-2012 school year) to include components in reading,
85 writing, and mathematics. Utah students shall satisfy the
86 requirements of the UBSCT, in addition to state and school
87 district/charter school graduation requirements, prior to
88 receiving a high school diploma that indicates a passing score
89 on all UBSCT subtests unless exempted consistent with R277-
90 705-11.

91 [S]R. "USOE" means the Utah State Office of Education.

92 **R277-473-2. Authority and Purpose.**

93 A. This rule is authorized by Utah Constitution Article
94 X, Section 3 which vests general control and supervision of
95 public education in the Board, Section 53A-1-603(3) which
96 directs the Board to adopt rules for the conduct and
97 administration of the testing programs and Section 53A-1-
98 401(3) which permits the Board to adopt rules in accordance
99 with its responsibilities.

100 B. The purpose of this rule is to provide specific
101 standards and procedures by which school districts/charter
102 schools shall handle and administer standardized tests.

103 **R277-473-3. Time Periods for Administering and Returning**
104 **Materials.**

105 A. School districts/charter schools shall administer
106 assessments required under Section 53A-1-603 unless exempted
107 consistent with Section 53A-1-603(5) and R277-705-11 and
108 consistent with the following schedule:

109 (1) All CRTs and UAAs (elementary and secondary, English

language arts, math, science) shall be given in a six week window beginning six weeks before the last Monday of the end of the course.

(2) The Utah Basic Skills Competency Test shall be given Tuesday, Wednesday, and Thursday of the first week of February and Tuesday, Wednesday, and Thursday of the third week of October.

(3) The fifth and eighth grade Direct Writing Assessment shall be given in a three week window beginning at least 14 weeks prior to the last day of school.

(4) The UALPA shall be administered to all English Language Learner students identified as Pre-Emergent, Emergent, Intermediate and Advanced, or enrolled for the first time in the school district at any time during the school year. The test shall be administered once a year to show progress. The testing window is the school year.

~~[B. School districts shall require that all schools within the school district or charter schools administer NRTs within the time period specified by the USOE and the publisher of the test.]~~

[~~C~~]B. School districts/charter schools shall submit all answer sheets for the CRT [~~and NRT~~] tests to the CS Section of the USOE for scanning and scoring as follows:

(1) School districts/charter schools shall return CRT, UAA and DWA answer sheets to the USOE no later than five working days after the last day of the testing window.

~~[(2) School districts/charter schools shall return NRT answer sheets to the USOE no later than five working days after the last day of the testing time period specified by the publisher of the test.]~~

~~[(3)]~~2) School districts/charter schools shall return UBSCT answer sheets to the USOE no later than three days after the final make-up day.

~~[(4)]~~3) School districts/charter schools shall return UALPA answer sheets to the USOE no later than May 15 for traditional schedule schools and June 15 for year-round schedule schools [~~beginning with the 2007-08 school year~~].

147 [~~D~~]C. When determining the date of testing, schools on
148 trimester schedules shall schedule the testing at the point in
149 the course where students have had approximately the same
150 amount of instructional time as students on a regular schedule
151 and provide the schedule to the USOE. Basic skills courses
152 ending in the first trimester of the year shall be assessed
153 with the previous year's form of the CRTs.

154 [~~E~~]D. Makeup opportunities shall be provided to students
155 for the Utah Basic Skills Competency Test according to the
156 following:

157 (1) Students shall be allowed to participate in makeup
158 tests if they did not participate to any degree in the Utah
159 Basic Skills Competency Test or subtest(s) of the Utah Basic
160 Skills Competency Test.

161 (2) School districts/charter schools shall determine
162 acceptable reasons for student makeup eligibility which may
163 include absence due to serious illness, absence due to family
164 emergency, or absence due to death of family member or close
165 friend.

166 (3) School districts/charter schools shall provide a
167 makeup window not to exceed five days immediately following
168 the last day of each administration of the Utah Basic Skills
169 Competency Test.

170 (4) School districts/charter schools shall determine and
171 notify parents in an appropriate and timely manner of dates,
172 times, and sites of makeup opportunities for the Utah Basic
173 Skills Competency Test.

174 **R277-473-4. Security of Testing Materials.**

175 A. All test questions and answers for all standardized
176 tests required under Sections 53A-1-601 through 53A-1-611,
177 shall be designated protected, consistent with Section 63G-2-
178 305(5), until released by the USOE. A student's individual
179 answer sheet shall be available to parents under the federal
180 Family Educational Rights and Privacy Act (FERPA), 20 USC,
181 Sec. 1232g; 34 CFR Part 99).

182 B. The USOE shall maintain a record of all of the

protected test materials sent to the school districts/charter schools.

C. Each school district/charter school shall maintain a record of the number of booklets of all protected test materials sent to each school in the district and charter school, and shall submit the record to USOE upon request.

D. Each school district/charter school shall ensure that all test materials are secured in an area where only authorized personnel have access, or are returned to USOE following testing as required by the USOE. Individual educators shall not retain test materials, in either paper or electronic form beyond the time period allowed for test administration.

E. Individual schools within a school district and charter schools shall secure or return paper test materials within three working days of the completion of testing. Electronic testing materials shall be secured between administrations of the test, and shall be removed from teacher and student access immediately following the final administration of the test.

F. The USOE shall ensure that all test materials sent to a school district/charter school are returned as required by USOE, and may periodically audit school districts/charter schools to confirm that test materials are properly accounted for and secured.

G. School district/charter school employees and school personnel may not copy or in any way reproduce protected test materials without the express permission of the specific test publisher, including the USOE.

R277-473-5. Format for Electronic Submission of Data.

A. CS shall communicate regularly with school districts/charter schools regarding required formats for electronic submission of any required data.

B. School districts/charter schools shall ensure that any computer software for maintaining school district/charter school data is, or can be made, compatible with CS

219 requirements and shall report data as required by the USOE.

220 **R277-473-6. Format for Submission of Answer Sheets and Other**
221 **Materials.**

222 A. The USOE shall provide a checklist to each school
223 district/charter school with directions detailing the format
224 in which answer documents are to be collected, reviewed, and
225 returned to the USOE.

226 B. Each school district/charter school shall verify that
227 all the requirements of the testing checklist have been met.

228 C. CRT data may be submitted in batches in cooperation
229 with the assigned CS data technician.

230 **R277-473-7. Timing for Return of Results to School**
231 **Districts/Charter Schools.**

232 A. Scanning and scoring shall occur in the order data is
233 received from the school districts/charter schools.

234 B. Consistent with Utah law, raw test results from all
235 CRTs shall be returned to the school before the end of the
236 school year.

237 C. Each school district/charter school shall check all
238 test results for each school within the district and charter
239 school and for the school district as a whole, verify their
240 accuracy with CS, and certify that they are prepared for
241 publication within two weeks of receipt of the data. Except
242 in compelling circumstances, as determined by the USOE, no
243 changes shall be made to school or school district data after
244 this two week period. Compelling circumstances may include:

245 (1) a natural disaster or other catastrophic occurrence
246 (e.g., school fire) that precludes timely review of data; and

247 (2) resolution of a professional practices issue that may
248 impede reporting of the data.

249 D. School districts/charter schools shall not release
250 data until authorized to do so by the USOE.

251 **R277-473-8. USOE and School Responsibilities for Crisis**
252 **Indicators in State Assessments.**

253 A. Students participating in state assessments may
254 reveal intentions to harm themselves or others, that the
255 student is at risk of harm from others, or may reveal other
256 indicators that the student is in a crisis situation.

257 B. The USOE shall notify the school principal, counselor
258 or other school or school district personnel who the USOE
259 determines have legitimate educational interests, whenever the
260 USOE determines, in its sole discretion, that a student answer
261 indicates the student may be in a crisis situation.

262 C. As soon as practicable, the school district
263 superintendent/charter school director, or designee shall be
264 given the name of the individual contacted at the school
265 regarding a student's potential crisis situation.

266 D. The USOE shall provide the school and district with
267 a copy of the relevant written text.

268 E. Using their best professional judgment, school
269 personnel contacted by USOE shall notify the student's parent,
270 guardian or law enforcement of the student's expressed
271 intentions as soon as practical under the circumstances.

272 F. The text provided by USOE shall not be part of the
273 student's record and the school shall destroy any copies of
274 the text once the school or district personnel involved in
275 resolution of the matter determine the text is no longer
276 necessary. The school principal shall provide notice to the
277 USOE of the date the text is destroyed.

278 G. School personnel who contact a parent, guardian or
279 law enforcement agency in response to the USOE's notification
280 of potential harm shall provide the USOE with the name of the
281 person contacted and the date of the contact within three
282 business days from the date of contact.

283 **R277-473-9. Standardized Testing Rules and Professional**
284 **Development Requirement.**

285 A. It is the responsibility of all educators to take all
286 reasonable steps to ensure that standardized tests reflect the
287 ability, knowledge, aptitude, or basic skills of each
288 individual student taking standardized tests.

289 B. School districts/charter schools shall develop
290 policies and procedures consistent with the law and Board
291 rules for standardized test administration, make them
292 available and provide training to all teachers and
293 administrators who shall administer state tests.

294 C. At least once each school year, school
295 districts/charter schools shall provide professional
296 development for all teachers, administrators, and standardized
297 test administrators concerning guidelines and procedures for
298 standardized test administration, including teacher
299 responsibility for test security and proper professional
300 practices.

301 D. School district/charter school assessment staff shall
302 use the Testing Ethics Policy Power Point presentation and the
303 Testing Ethics booklet developed by the USOE, available on the
304 USOE Assessment homepage in providing training for all test
305 administrators/proctors.

306 E. Each and every test administrator/proctor shall
307 individually sign a Testing Ethics signature page also
308 available on the USOE Assessment homepage.

309 F. All teachers and test administrators shall conduct
310 test preparation, test administration, and the return of all
311 protected test materials in strict accordance with the
312 procedures and guidelines specified in test administration
313 manuals, school district/charter school rules and policies,
314 Board rules, and state application of federal requirements for
315 funding.

316 G. Teachers, administrators, and school personnel shall
317 not:

318 (1) provide students directly or indirectly with specific
319 questions, answers, or the subject matter of any specific item
320 in any standardized test prior to test administration;

321 (2) copy, print, or make any facsimile of protected
322 testing material prior to test administration without express
323 permission of the specific test publisher, including USOE, and
324 school district/charter school administration;

325 (3) change, alter, or amend any student answer sheet or

any other standardized test materials at any time in such a way as to alter the student's intended response;

(4) use any prior form of any standardized test (including pilot test materials) that has not been released by the USOE in test preparation without express permission of the specific test publisher, including USOE, and school district/charter school administration;

(5) violate any specific test administration procedure or guideline specified in the test administration manual, or violate any state or school district/charter school standardized testing policy or procedure;

(6) knowingly and intentionally do anything that would inappropriately affect the security, validity, or reliability of standardized test scores of any individual student, class, or school;

H. Violation of any of these rules may subject licensed educators to possible disciplinary action under [~~Rules of Professional Practices and Conduct for Utah Educators, R686-103-6(I)~~] R277-515, Utah Educator Standards.

KEY: educational testing

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Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53A-1-603(3); 53A-1-401(3)